



JACK LONDON  
SQUARE MARKETING

March 31, 2006

Ms. Adrienne Klein  
Chief of Enforcement  
BCDC  
50 California Street, Suite 2600  
San Francisco, CA 94111

Ms. Andrea Gaut  
Principal Permit Analyst  
BCDC  
50 California Street, Suite 2600  
San Francisco, CA 94111

Re: Permit #19-85 (B) Amendment No. Ten  
Scott's Use of the Public Pavilion at Jack London Square  
2005 Report

Dear Ms. Klein and Ms. Gaut:

A schedule of Scott's actual use of the Public Pavilion in 2005, an analysis of their use vis-à-vis your guidelines and a worksheet are attached for your review and comment.

Scott's exceeded their annual use by 10%, utilizing the Public Pavilion 110 days vs. the allowable 73 days. This left 255 days for public use vs. the required 292 days.

They also exceeded the number of weekend days/nights to be made available for public use of the Pavilion on average per month from May through October. The guideline in this category is 33%; they utilized it 46% of the time.

They were in compliance with the minimum number of weekend days/nights (3) for public use in all 12 months.

Regarding the number of weekend days/nights to be made available for use of the Pavilion on average per month from November through April, I believe there may be a mathematical error on Exhibit A. The percentage stated is 40% however it may need to be adjusted to 44% if I understand the calculation correctly. You are allowing five weekend days/nights for public use and four weekend days/nights for private use for a total of nine days. Four days of private use would represent 44% ( $4 \div 9 = 44\%$ ). If this is correct, Scott's was in compliance; if it is not correct, Scott's was out of compliance by 3%.

*more ...*

An overarching issue, however, is the number of unscheduled/unreported events that occur year after year. In 2005, Scott's submitted requests to use the Public Pavilion for 45 days with no more than two consecutive private event days at any time. They used 110 days – or a 65 day discrepancy – from their original submittals, plus numerous times where they exceeded two consecutive private days as noted below:

1. In April, the tent walls were down for nine consecutive days and represented six unscheduled days.
2. In May, the tent walls were down for five and six consecutive days and represented four and five unscheduled days respectively.
3. In June, the tent walls were down for four consecutive days and represented three unscheduled days.
4. In October, the tent walls were down for three consecutive days and represented one unscheduled day.
5. In November, the tent walls were down four consecutive days and represented two unscheduled days.
6. In December, the tent walls were down for 21 consecutive days and represented 18 unscheduled days.

Comments and Suggestions:

As stated in the 2004 Report, the quarterly schedules that are submitted to JLSP and BCDC are not reflections of actual use. They are obsolete as soon as they are submitted since Scott's continues to book reservations on a daily basis – which is understandably the nature of their business. Their quarterly submissions make it impractical to effectively monitor whether Scott's has booked more than two consecutive private events at any time, and we discover as such when we notice unscheduled events.

But more importantly, to submit 45 event days knowing they are allowed 73 days, then using 110 days is a gross miscalculation on their part. Scott's under-reported 65 event days and violated the two consecutive day requirement six times as noted above.

*more ...*

Ms. Klein and Ms. Gaut  
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Please let me know if you have questions or wish further discussion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rhonda Hirata".

Rhonda Hirata  
Director of Marketing and  
External Communications

Attachments: 2005 Analysis per Permit #19-85(B)  
2005 Worksheet  
2005 Public Pavilion Actual Schedule  
2005 Quarterly Submittals from Scott's

cc: J. Falaschi  
A. Ward  
M. Hanhan  
C. Morris  
J. Washington  
J. Braun

Permit #19-85 (B)  
Amendment No. Ten  
Scott's Use of the Public Pavilion  
2005 Analysis

	Public Use of the Pavilion	Private Use of the Pavilion	Percentage of Private Use of Pavilion during high use Periods (weekend days/nights)
Percentage of use per year	Guideline: 80% Actual 2005 Use: 70%	Guideline: 20% Actual 2005 Use: 30%	
Number of days available per year for use of the public pavilion	Guideline: 292 days Actual 2005 Use: 255 days	Guideline: 73 days Actual 2005 Use: 110 days	
Number of weekend days/nights* to be made available for use of the Pavilion on average per month from May through October	Guideline: 6 days Actual 2005 Use: 7 days	Guideline: 3 days Actual 2005 Use: 6 days	Guideline: 33% Actual 2005 Use: <b>46%</b>
Minimum number of weekend days/nights for Public Use in any month	Guideline: 3 days Actual 2005 Use: in Compliance all year		
Number of weekend days/nights* to be made available for use of the Pavilion on average per month from November through April	Guideline: 5 days Actual 2005 Use: 8 days	Guideline: 4 days Actual 2005 Use: 6 days	Guideline: 40%** Actual 2005 Use: <b>43%</b>

\* Weekend nights = Friday and Saturday; weekend days = Saturday and Sunday

\*\* This figure should be adjusted to 44% ( $4 \div 9 = 44\%$ )

Permit #19-85 (B) Amendment No. Ten  
Scott's Use of the Public Pavilion  
2005 Worksheet

May – October:

(Number of weekend days/nights to be made available for use of the Public Pavilion on average per month)

Guidelines for 79 Days:

- 67% Public Use                      67% of 79 days = 53 days
- 33% Private Use                    33% of 79 days = 26 days

Actual Use:

- Public Use    54.5% = 43 days
- Private Use   45.5% = 36 days

**Private Actual Use exceeds guidelines by 10 days**

Average Actual Use per Month:

- $43 \div 6 = 7$  days average Public use
- $36 \div 6 = 6$  days average Private use

**Private Average Actual Use per Month exceeds guidelines by three days**

Number of Weekend Days and Nights per Month:

May	13
June	12
July	15
August	12
September	13
October	<u>14</u>
	79 weekend days and nights

November - April:

(Number of weekend days/nights to be made available for use of the Public Pavilion on average per month)

Guidelines for 78 Days:

- 60% Public Use                      60% of 78 days = 47 days
- 40% Private Use                    40% of 78 days = 31 days

Actual Use:

- Public Use      56.8% = 45 days
- Private Use    42.3% = 33 days

**Private Actual Use exceeds guidelines by two days**

Average Actual Use per Month:

- $45 \div 6 = 8$  days average Public use
- $33 \div 6 = 6$  days average Private use

**Private Average Actual Use per Month is in compliance**

Number of Weekend Days and Nights per Month:

November	12
December	14
January	14
February	12
March	12
April	<u>14</u>
78 weekend days and nights	

Analysis of Scott's Public Pavilion Use  
2005

Events in bold reflect unscheduled events that were not submitted on the 2005 quarterly calendars

<b>Saturday</b>	<b>1/1/05</b>	<b>5 PM</b>	<b>Kellie and Maurice Wedding</b>
Friday	1/14/05	9 AM	American Red Cross
<b>Saturday</b>	<b>1/15/05</b>	<b>6 PM</b>	<b>HNTB Corporation</b>
Friday	1/21/05	6 PM	Lynda Ward's Retirement
<b>Saturday</b>	<b>1/22/05</b>	<b>6:30 PM</b>	<b>B&amp;C Transit Consultants</b>
<b>Wednesday</b>	<b>1/26/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
Saturday	1/29/05	6 PM	Molly's Bat Mitzvah
Saturday	2/5/05	6 PM	Nancy's Specialty Foods
<b>Sunday</b>	<b>2/13/05</b>	<b>5 PM</b>	<b>J LA Chic Presents</b>
<b>Friday</b>	<b>2/18/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
Thursday	2/24/05	6 PM	An Affair to Remember Bridal Faire
Friday	2/25/05	6 PM	St. Vincent Day Home Fundraiser (cancelled)
<b>Saturday</b>	<b>2/26/05</b>	<b>6 PM</b>	<b>Hill Top Landing Corp.</b>
Saturday	3/5/05	6 PM	Castlemont High School Dinner
Saturday	3/12/05	11 AM	Gisela and Rene's Wedding
<b>Saturday</b>	<b>3/12/05</b>	<b>1 PM</b>	<b>Assumption School 2005 Auction Gala</b>
Saturday	3/19/05	12 PM	Rachel Kane's Bat Mitzvah
<b>Saturday</b>	<b>3/19/05</b>	<b>5 PM</b>	<b>Sheldon Forehand's Retirement</b>
<b>Sunday</b>	<b>3/20/05</b>	<b>1 PM</b>	<b>Cosmopolitan Baptist Church</b>
<b>Thursday</b>	<b>4/7/05</b>	<b>9:30 AM</b>	<b>Statefund Annual Luncheon</b>
<b>Saturday</b>	<b>4/9/05</b>	<b>7:30 AM</b>	<b>Oakland Postal Breakfast</b>
Saturday	4/9/05	12 PM	Elefant Bat Mitzvah
<b>Saturday</b>	<b>4/9/05</b>	<b>6 PM</b>	<b>Hermanas Unidas</b>
<b>Sunday</b>	<b>4/10/05</b>	<b>5:30 PM</b>	<b>SF Press Photographers</b>
Saturday	4/16/05	5 PM	Delta Gamma Sorority Dinner
Saturday	4/23/05	6 PM	Hispanic Engineers and Scientists
<b>Sunday</b>	<b>4/24/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Monday</b>	<b>4/25/05</b>	<b>7 AM</b>	<b>Oakland Association of Realtors</b>
<b>Tuesday</b>	<b>4/26/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Wednesday</b>	<b>4/27/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Thursday</b>	<b>4/28/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Friday</b>	<b>4/29/05</b>	<b>11:30 AM</b>	<b>Bruce Burrough's Retirement</b>
Friday	4/29/05	6 PM	Latino Business Students Dinner
Saturday	4/30/05	5:30 PM	Genworth Financial

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<b>Sunday</b>	<b>5/1/05</b>	<b>11 AM</b>	<b>Elena and James' Wedding</b>
<b>Wednesday</b>	<b>5/4/05</b>	<b>10 AM</b>	<b>Alza Corporation Brunch</b>
<b>Thursday</b>	<b>5/5/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Friday</b>	<b>5/6/05</b>	<b>6 PM</b>	<b>Asian American Association</b>
<b>Saturday</b>	<b>5/7/05</b>	<b>6 PM</b>	<b>Jacob Stein's Bar Mitzvah</b>
<b>Sunday</b>	<b>5/8/05</b>	<b>11 AM</b>	<b>Sigma Theta Tau Inductions</b>
<b>Thursday</b>	<b>5/12/05</b>	<b>11 AM</b>	<b>Jackie's Retirement</b>
<b>Thursday</b>	<b>5/12/05</b>	<b>6 PM</b>	<b>KTVU Teacher's Award</b>
<b>Friday</b>	<b>5/13/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Saturday</b>	<b>5/14/05</b>	<b>12 PM</b>	<b>Brock and Laura's Wedding Lunch</b>
<b>Saturday</b>	<b>5/14/05</b>	<b>6 PM</b>	<b>Alex Brown's Bar Mitzvah</b>
<b>Tuesday</b>	<b>5/17/05</b>	<b>10 AM</b>	<b>C.A.R. Region 6</b>
<b>Wednesday</b>	<b>5/18/05</b>	<b>6 PM</b>	<b>CNNP/Ortho-McNeil Dinner</b>
<b>Thursday</b>	<b>5/19/05</b>	<b>11 AM</b>	<b>Lenny's 87<sup>th</sup> Birthday</b>
<b>Thursday</b>	<b>5/19/05</b>	<b>1:45 PM</b>	<b>Children's Fairyland Fundraiser</b>
<b>Friday</b>	<b>5/20/05</b>	<b>9:30 AM</b>	<b>American Association of Port Authorities</b>
<b>Friday</b>	<b>5/20/05</b>	<b>6 PM</b>	<b>Cal State Hayward</b>
<b>Saturday</b>	<b>5/21/05</b>	<b>5:30 PM</b>	<b>Patrick and Arabella's Wedding Reception</b>
<b>Sunday</b>	<b>5/22/05</b>	<b>5 PM</b>	<b>Ala Costa</b>
<b>Sunday</b>	<b>5/29/05</b>	<b>4 PM</b>	<b>Naval Academy Parents Club Dinner</b>
<b>Thursday</b>	<b>6/2/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Wednesday</b>	<b>6/8/05</b>	<b>6 PM</b>	<b>CSEB School of Social Work</b>
<b>Thursday</b>	<b>6/9/05</b>	<b>11 AM</b>	<b>B.A.C.R. Luncheon</b>
<b>Friday</b>	<b>6/10/05</b>	<b>6 PM</b>	<b>Children's Hospital</b>
<b>Saturday</b>	<b>6/11/05</b>	<b>1 PM</b>	<b>Veeda and Brendan's Wedding Luncheon</b>
<b>Saturday</b>	<b>6/11/05</b>	<b>5:30 PM</b>	<b>Hung &amp; Hong's Wedding Reception</b>
<b>Saturday</b>	<b>6/18/05</b>	<b>2 PM</b>	<b>Showcase of Print Excellence Luncheon</b>
<b>Thursday</b>	<b>6/23/05</b>	<b>6 PM</b>	<b>Jim McGrath Retirement Dinner</b>
<b>Saturday</b>	<b>6/25/05</b>	<b>6 PM</b>	<b>Adrienne White and Stephen's Wedding Reception</b>
<b>Friday</b>	<b>7/8/05</b>	<b>3 PM</b>	<b>Stuart's Retirement Dinner</b>
<b>Saturday</b>	<b>7/9/05</b>	<b>6 PM</b>	<b>Keri and Chris' Wedding</b>
<b>Friday</b>	<b>7/22/05</b>	<b>5 PM</b>	<b>Evie and Eric's Wedding Reception</b>
<b>Saturday</b>	<b>7/23/05</b>	<b>12:15 PM</b>	<b>Elizabeth and Alymar</b>
<b>Saturday</b>	<b>7/30/05</b>	<b>6 PM</b>	<b>Natalie &amp; Joe's Wedding Reception</b>
<b>Sunday</b>	<b>7/31/05</b>	<b>3:30 PM</b>	<b>Vera's Surprise</b>
<b>Monday</b>	<b>8/1/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Tuesday</b>	<b>8/2/05</b>	<b>5 PM</b>	<b>M. Hughes OSI Soft Retirement</b>
<b>Saturday</b>	<b>8/6/05</b>	<b>11 AM</b>	<b>C. Lightfoot's Retirement</b>
<b>Saturday</b>	<b>8/6/05</b>	<b>5 PM</b>	<b>Karen and Nick's Wedding Reception</b>
<b>Saturday</b>	<b>8/13/05</b>	<b>5 PM</b>	<b>Campolindo Class of 1985</b>
<b>Sunday</b>	<b>8/14/05</b>	<b>5 PM</b>	<b>Shimika and Yomi's Wedding Reception</b>
<b>Saturday</b>	<b>8/20/05</b>	<b>11:30 AM</b>	<b>Filomena E. 80<sup>th</sup> Birthday</b>
<b>Saturday</b>	<b>8/20/05</b>	<b>6 PM</b>	<b>Victoria and Alex's Wedding</b>

<b>Tuesday</b>	<b>8/23/05</b>	<b>6 PM</b>	<b>Macy's Dinner</b>
Saturday	8/27/05	11 AM	Duck's Unlimited
Saturday	9/3/05	5 PM	Laureteen and Harold's Wedding
Saturday	9/10/05	4 PM	Carondelet Class of 1985
Saturday	9/17/05	3 PM	Holly and Mike's Wedding Reception
<b>Saturday</b>	<b>9/24/05</b>	<b>12 PM</b>	<b>Brendia Perry's Surprise 50<sup>th</sup></b>
<b>Saturday</b>	<b>9/24/05</b>	<b>6 PM</b>	<b>Alison and Joe's Wedding Reception</b>
<b>Saturday</b>	<b>10/1/05</b>	<b>6 PM</b>	<b>Renoir 20 Year Anniversary Reception</b>
Thursday	10/6/05	6 PM	HNHS 75 <sup>th</sup> Food for Thought
Saturday	10/8/05	3 PM	Claire Andrea's Bat Mitzvah
<i>Tuesday</i>	<i>10/11/05</i>	<i>3 PM</i>	<i>EUCA Dinner (cancelled)</i>
Friday	10/14/05	3 PM	Beta Alpha Phi Dinner
<b>Saturday</b>	<b>10/15/05</b>	<b>5:30 PM</b>	<b>Claudine and David's Wedding Reception</b>
Tuesday	10/18/05	10 AM	MADD Law Enforcement Lunch
<b>Wednesday</b>	<b>10/19/05</b>	<b>7 PM</b>	<b>Earl Warren Inn of Court</b>
Thursday	10/20/05	4 PM	Southern Wines Trade Show
Saturday	10/22/05	5:30 PM	Carondelet De La Salle Dinner
<b>Sunday</b>	<b>10/23/05</b>	<b>1 PM</b>	<b>Debutante Tea</b>
<b>Saturday</b>	<b>10/29/05</b>	<b>9 AM</b>	<b>Judge Richard A. Bancroft</b>
<b>Saturday</b>	<b>10/29/05</b>	<b>5:30 PM</b>	<b>Caren and Mario's Wedding Reception</b>
Saturday	11/5/05	5 PM	Ann and Patrick's Wedding
Wednesday	11/9/05	6 PM	Home 123
Thursday	11/10/05	5 PM	Bay Area Air Quality 50 <sup>th</sup>
Saturday	11/12/05	6 PM	San Leandro HS 45 Reunion
<b>Wednesday</b>	<b>11/16/05</b>	<b>7 PM</b>	<b>Earl Warren Inn of Court</b>
<b>Thursday</b>	<b>11/17/05</b>	<b>11:30 PM</b>	<b>Patricia's Retirement Luncheon</b>
<b>Thursday</b>	<b>11/17/05</b>	<b>6 PM</b>	<b>SSA Term Dinner Meeting</b>
Friday	11/18/05	6 PM	All State Pre-Holiday Party
Saturday	11/19/05	6 PM	Christian Church Homes Dinner
<b>Thursday</b>	<b>12/1/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
Friday	12/2/05	11 AM	Equity Holiday Lunch
<b>Saturday</b>	<b>12/3/05</b>	<b>11 AM</b>	<b>LVI Environmental Services Holiday</b>
<b>Saturday</b>	<b>12/3/05</b>	<b>6 PM</b>	<b>Wendel Rosen Black &amp; Dean Dinner</b>
<b>Sunday</b>	<b>12/4/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Monday</b>	<b>12/5/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Tuesday</b>	<b>12/6/05</b>	<b>5 PM</b>	<b>Mary Lou's Surprise Birthday</b>
<b>Tuesday</b>	<b>12/6/05</b>	<b>5 PM</b>	<b>Port of Oakland</b>
<b>Wednesday</b>	<b>12/7/05</b>	<b>6 PM</b>	<b>Treasure Island Job Corp.</b>
<b>Thursday</b>	<b>12/8/05</b>	<b>11:30 AM</b>	<b>Capital Projects</b>
Friday	12/9/05	3 PM	Cost Plus Holiday Party
<b>Friday</b>	<b>12/9/05</b>	<b>7:30 PM</b>	<b>Assetmark Holiday Dinner</b>
<b>Saturday</b>	<b>12/10/05</b>	<b>6 PM</b>	<b>Kraft Foods</b>

<b>Sunday</b>	<b>12/11/05</b>	<b>6 PM</b>	<b>Airport Appliance Holiday</b>
<b>Monday</b>	<b>12/12/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Tuesday</b>	<b>12/13/05</b>	<b>5:30 PM</b>	<b>Core Holiday Dinner</b>
<b>Wednesday</b>	<b>12/14/05</b>	<b>6 PM</b>	<b>Barbara Lee's Party</b>
<b>Thursday</b>	<b>12/15/05</b>	<b>11:30 AM</b>	<b>Port of Oakland</b>
<b>Thursday</b>	<b>12/15/05</b>	<b>6 PM</b>	<b>Premier Home Loans</b>
<b>Friday</b>	<b>12/16/05</b>	<b>11 AM</b>	<b>APL Holiday Reception</b>
<b>Friday</b>	<b>12/16/05</b>	<b>5 PM</b>	<b>Bigge Crane Dinner</b>
<b>Saturday</b>	<b>12/17/05</b>	<b>6 PM</b>	<b>T-Mobile Holiday Party</b>
<b>Saturday</b>	<b>12/17/05</b>	<b>6 PM</b>	<b>Carol H. Williams</b>
<b>Sunday</b>	<b>12/18/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Monday</b>	<b>12/19/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Tuesday</b>	<b>12/20/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<b>Wednesday</b>	<b>12/21/05</b>	<b>All Day</b>	<b>Unscheduled Event</b>
<i>Saturday</i>	<i>12/31/05</i>	<i>6 PM</i>	<i>New Year's Eve Dinner ( cancelled)</i>